

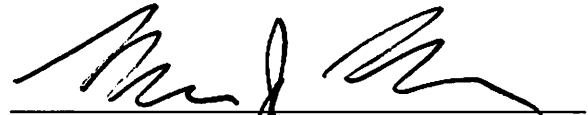
**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	
	)	
JACOB G. ARZER AND JESSICA R.	)	
ARZER	)	No. 16-30883
	)	Chapter 13 (Lake)
Debtors	)	Honorable A. Benjamin Goldgar
	)	Hearing Date: 6/14/2019 at 9:30 a.m.

**NOTICE OF MOTION**

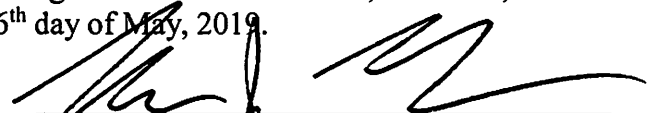
To: See attached Service List.

YOU ARE HEREBY NOTIFIED that on June 14, 2019, at 9:30 a.m. or as soon thereafter as counsel may be heard, I shall appear before The Honorable A. Benjamin Goldgar in the North Branch Court, 1792 Nicole Lane, Round Lake Beach, Illinois 60073, and then and there present for hearing the attached MOTION FOR RELIEF FROM STAY at which time and place you may appear as you see fit to do.

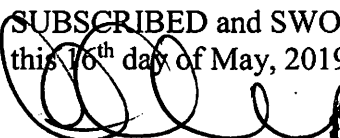
  
Benjamin J. Rooney

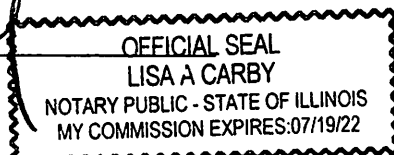
**PROOF OF SERVICE**

The undersigned attorney certifies that he served a true and correct copy of the foregoing electronically to all parties eligible and by depositing same in the U.S. Mail, Wheaton, Illinois addressed to the parties appearing above on the 16<sup>th</sup> day of May, 2019.

  
Benjamin J. Rooney

SUBSCRIBED and SWORN to before me  
this 16<sup>th</sup> day of May, 2019.

  
Notary Public  
#6308111  
Benjamin J. Rooney  
**KEAY & COSTELLO, P.C.**  
128 South County Farm Road  
Wheaton, Illinois 60187  
(630) 690-6446



**SERVICE LIST**

Jacob G. Arzer  
97 W. Hampton Court  
Round Lake, Illinois 60073

Jessica R. Arzer  
97 W. Hampton Court  
Round Lake, Illinois 60073

Robert N Honig  
116 S. York Street, Suite 215  
Elmhurst, Illinois 60126  
(By electronic notice through ECF)

Glenn B. Stearns  
801 Warrenville Road, Suite 650  
Lisle, Illinois 60532  
(By electronic notice through ECF)

Patrick S. Layng  
Office of the U.S. Trustee, Region 11  
219 South Dearborn St., Room 873  
Chicago, Illinois 60604  
(By electronic notice through ECF)

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	
	)	
JACOB G. ARZER AND JESSICA R. ARZER	)	
	)	No. 16-30883
	)	Chapter 13 (Lake)
Debtors	)	Honorable A. Benjamin Goldgar
	)	Hearing Date: 6/14/2019 at 9:30 a.m.

**MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362 OF THE  
BANKRUPTCY CODE**

NOW COMES a certain creditor, MADRONA VILLAGE HOMEOWNERS ASSOCIATION, by and through its attorneys, KEAY & COSTELLO, P.C., and in support of its Motion for Relief from Stay, states as follows:

1. That the creditor is MADRONA VILLAGE HOMEOWNERS ASSOCIATION (hereinafter referred to as MADRONA VILLAGE), an Illinois not-for-profit corporation and homeowners association.

2. That the Debtor, JACOB G. ARZER (hereinafter referred to as "Debtor") is the owner of residential real estate that is part of MADRONA VILLAGE. Specifically, Debtor is the owner of the property located at 97 W. Hampton Court, Round Lake, Lake County, Illinois. Jessica R. Arzer is not the owner of the property located at 97 W. Hampton Court, Round Lake, Lake County, Illinois.

3. That pursuant to MADRONA VILLAGE's governing documents, which have been recorded with the Recorder of Deeds of Lake County, Illinois, a lien attaches to the property of the Debtor to secure unpaid assessments and other obligations arising out of ownership of a unit under the jurisdiction of MADRONA VILLAGE.

4. That as owner of a property at MADRONA VILLAGE, the Debtor is obligated to pay assessments and other obligations arising out of ownership of their unit to MADRONA VILLAGE.

5. That since the filing of Debtor's Chapter 13 petition on September 28, 2016 ("Petition Date"), the Debtor has failed to remain current on his post-petition obligation to pay assessments to MADRONA VILLAGE.

6. Accordingly, since the Petition Date and through the filing of this Motion, Debtor has failed to pay the amount of \$729.18 in post-petition assessments and other obligations arising out of ownership of their unit to MADRONA VILLAGE. Additionally, MADRONA VILLAGE has incurred \$700.00 in attorney's fees and \$181.00 in court costs as a result of Debtor's failure to remain current on their post-petition obligation to the Association. Collection of said attorney's fees and court costs is authorized by the Association's Declaration.

7. Therefore, the total amount due through the filing of this Motion for post-petition assessments and other obligations arising out of ownership of their unit, as well as attorney's fees, and court costs is \$1,610.18.

8. That pursuant to Section 362 of the Bankruptcy Code, MADRONA VILLAGE moves this court for entry of an order modifying the automatic stay arising as a result of Debtor's Chapter 13 filing.

9. That MADRONA VILLAGE is entitled to relief from the automatic stay so it may initiate collection proceedings against the Debtor for the assessments and other charges that became due and owing after Debtor's Chapter 13 filing.

10. That MADRONA VILLAGE is entitled to relief from the automatic stay for the following reasons:

- a. Debtor has made material defaults under the terms of the Declaration;

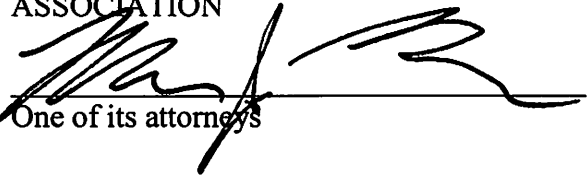
- b. There is currently a continuing increase in the total indebtedness chargeable against the real estate for payment of assessments and other charges due under the Declaration which result in MADRONA VILLAGE being deprived of adequate protection of its interest in the real estate; and
- c. The subject real estate is not necessary for a successful reorganization of the Debtor.

11. That MADRONA VILLAGE requests waiver of the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Creditor, herein, MADRONA VILLAGE, prays this court enter an order modifying the stay permitting MADRONA VILLAGE, to initiate collection proceedings of all post-petition association assessments due from the Debtor, JACOB G. ARZER, as a result of the ownership of the premises described herein, and for any such other and further relief as this court deems just and equitable within the premises.

MADRONA VILLAGE HOMEOWNERS  
ASSOCIATION

By:

  
One of its attorneys

ARDC: 6308111  
Benjamin J. Rooney  
KEAY & COSTELLO, P.C.  
128 South County Farm Road  
Wheaton, Illinois 60187  
(630) 690-6446